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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,194	03/28/2001	Jan H. Labuschagne	TIMK 7938US	2895

1688 7590 04/21/2005

POLSTER, LIEDER, WOODRUFF & LUCCHESI  
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ST. LOUIS, MO 63131-3615

EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,194

Applicant(s)

LABUSCHAGNE, JAN H.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. The indicated allowability of claims 1-29 is withdrawn in view of the reconsideration of the reference(s) to Bellas et al (3308845). Rejections based on the cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55), and more means within the enclosure, the means for cleaning (10) being located outside of the enclosure, the enclosure having at least one end through which access to the interior of the enclosure being obtained, a deck (7) at said one end of the enclosure, the means for cleaning being on the deck, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure, a washer located containing a solution, equipment within the enclosure.

Bellas et al does not show means for inspecting components of the bearing, means for repairing defects in components of the bearing, spared races and rolling elements located within the enclosure to replaced damaged races and rolling elements, the means located outside the enclosure is for cleaning bearing, means for opening the case to release the rolling elements from the race and means for closing a cage around rolling elements to retain the rolling elements on the race.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show the means for inspecting components of the bearing, means for repairing defects in components of the bearing, spared races and rolling elements located within the enclosure to replaced damaged races and rolling elements, the means located outside the enclosure is for cleaning bearing, means for opening the case to release the rolling elements from the race and means for closing a cage around rolling elements to retain the rolling elements on the race because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having spared races, rolling elements, means for opening and closing the cage of the race would enable the easy and convenient servicing of the bearings and rollers; see *In re Aller* 105 USPQ 233 CCPA 1955, and *In re Mills* 125 USPQ CCPA 1916.

2. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55), and more means within the enclosure, the means for cleaning (10) being located outside of the enclosure,

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the enclosure having at least one end through which access to the interior of the enclosure being obtained, a deck (7) at said one end of the enclosure, the means for cleaning being on the deck, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure, a washer located containing a solution, equipment within the enclosure.

Bellas et al does not show means for inspecting the cone assembly, means at another of the stations for inspecting and repairing the raceway of the cup, means at still another station for opening the cage and releasing the rollers, means at yet another station for repairing the raceway of the cone, a spared cage in the enclosure, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage, means for lubricating the cone assembly, means for installing a seal into the cup, spared seals in the enclosure, the bearing having two raceways in its cup, two cone assemblies, a spacer between the cones, the spacer being long enough to impart end play to the bearing, means at another station for measuring the end play in the bearing, means for removing grease from the bearing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show means for inspecting the cone assembly, means at another of the stations for inspecting and repairing the raceway of the cup, means at still another station for opening the cage and releasing the rollers, means at yet another station for repairing

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the raceway of the cone, a spared cage in the enclosure, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage, means for lubricating the cone assembly, means for installing a seal into the cup, spared seals in the enclosure, the bearing having two raceways in its cup, two cone assemblies, a spacer between the cones, the spacer being long enough to impart end play to the bearing, means at another station for measuring the end play in the bearing, means for removing grease from the bearing because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having new cage, spared seals would enable the easy and convenient servicing of the roller bearing; see *En re Aller* 105 USPQ 233 CCPA 1955, and *En re Mills* 125 USPQ CCPA 1916.

3. Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, a washer solution (means 10) for cleaning equipment, an air conditioning unit supported on the enclosure, a dust extraction system, the enclosure is mounted on a railcar (the unit fits the definition of a railcar as railcar is not yet defined in the claim).

Bellas et al does not show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element, spare seals located within the enclosure for replacing the seals of the bearing, the equipment for inspecting the races including a fixture which shines a light on

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the inner race, the equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race, the outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, new cages to replace the cage of either component of the inner race, the equipment including a press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a press, a spacer located between the components of the inner race to impart the end play to the bearing, a lateral measuring machine which rotates the inner race within the outer race and applying axially directed forces to the inner race in both axial directions, and measuring the free motion between the inner and outer races, a hand-held grinder a polishing tool.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element, spare seals located within the enclosure for replacing the seals of the bearing, the equipment for inspecting the races including a fixture which shines a light on the inner race, the equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race, the outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a

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raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, new cages to replace the cage of either component of the inner race, the equipment including a press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a press, a spacer located between the components of the inner race to impart the end play to the bearing, a lateral measuring machine which rotates the inner race within the outer race and applying axially directed forces to the inner race in both axial directions, and measuring the free motion between the inner and outer races, a hand-held grinder a polishing tool because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having new cage, spared seals, measuring tools, grinding machine, rotating machine, spacer, light fixture, and polishing tool would enable the easy and convenient servicing of the roller bearing; see *En re Aller* 105 USPQ 233 CCPA 1955, and *En re Mills* 125 USPQ CCPA 1916.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-12, 19-29 have been considered but are moot in view of the new ground(s) of rejection.

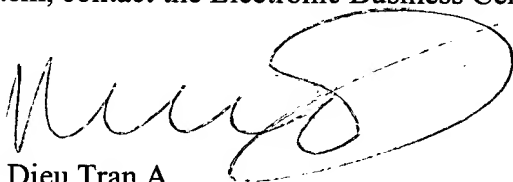


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, loopy flourish at the end.

Phi Dieu Tran A

4/18/05